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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 81994/282402  
First Inventor Rogers, Jack  
Title The Translation Enhancer Element  
Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 23]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ]
- Oath or Declaration [Total Pages 3]
  - ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))
  - ☒ (for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09 / 188,118  
Prior application information: Examiner S. Turner Group Art Unit 1647

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 00909 (insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name  
Address  
City State Zip Code  
Country Telephone 703/905-2173 Fax 703/905-2500

Name (Print/Type) Michael A. Sanzo Registration No. (Attorney/Agent) 36,912  
Signature Michael A. Sanzo Date July 24, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 710.00

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Rogers, Jack
Examiner Name	
Group Art Unit	
Attorney Docket No.	81994/282402

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-3975**

Deposit Account Name **Pillsbury Winthrop LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) 710

## 2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims		-20** =	X	
Independent Claims		-3** =	X	
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) Michael A. Sanzo

Registration No (Attorney/Agent)

36,912

## Complete (if applicable)

Telephone 703/905-2173

Signature

Michael A. Sanzo

Date

July 24, 2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PILLSBURY WINTHROP<sub>LLP</sub>

1600 TYSONS BOULEVARD MCLEAN, VA 22102 703.905.2000 F: 703.905.2500



Writer's Direct Dial Number  
(703) 905-2173

Writer's Email:  
msanzo@pillsburywinthrop.com

July 24, 2001

Assistant Commissioner for Patents  
**BOX Patent Application**  
Washington, DC 20231

Re: Continuation Patent Application  
(Division of U.S. No. 09/188,118)  
Appl. No.: to be assigned  
Filing Date: herewith  
Title: **The Translation Enhancer Element of the  
Human Amyloid Precursor Protein Gene**  
Inventor(s): Rogers, Jack  
Atty. Dkt.: 81994/282402

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1. Form PTO/SB/05, Utility Patent Application Transmittal;
2. A true copy of the latest inventor-signed application, application no. 09/188,118, as filed in the U.S. Patent and Trademark Office on November 9, 1998, and naming as inventor:

Jack Rogers

the application comprising:

20 pages of specification (numbered as pages 1-20),  
2 pages of claims (numbered as pages 21-22), and  
a one-page abstract (numbered as page 23);

3. A copy of the Declaration (37 C.F.R. § 1.63) and Power of Attorney executed by inventor Jack Rogers filed in the parent application (3 pages);



PILLSBURY WINTHROP<sup>LLP</sup>

Assistant Commissioner for Patents

July 24, 2001

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4. Preliminary Amendment (2 pages);
5. Information Disclosure Statement (2 pages);
6. List of References Cited by Applicant (5 pages);
7. A copy of the recorded Assignment to Brigham and Women's Hospital executed by inventor Jack Rogers filed in the parent application and (4 pages);
8. Form PTO/SB/17, Fee Transmittal for FY 2001;
9. Our check in the amount of \$710.00, representing the filing fee for this matter; and
10. Two (2) return postcards.

It is respectfully requested that the enclosed postpaid postcards be stamped with the date the enclosed documents are received by the PTO and with the application number, and that they be returned as soon as possible.

In accordance with the requirements of 37 C.F.R. § 1.53(b), the present divisional application is being filed under the conditions specified in 35 U.S.C. § 120. The inventors named on this divisional application are the same as the inventors named on the parent and the application is being filed before the patenting, or abandonment of, or termination of proceedings of the parent application (09/188,118). The undersigned hereby verifies that the enclosed is a copy of the latest inventor-signed prior application, including the oath or declaration as originally filed (application no. 09/188,118, filed on November 9, 1998 and to which priority is claimed). The undersigned further asserts that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

We are submitting an Information Disclosure Statement which cites references originally submitted in connection with U.S. 09/188,118. The present application relies upon 09/188,118 for priority under 35 U.S.C. § 120. Thus, in accordance with 37 C.F.R. § 1.98(d), copies of the



PILLSBURY WINTHROP<sub>LLP</sub>

Assistant Commissioner for Patents

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listed references are not being resubmitted. If, for any reason, the examiner cannot locate a listed reference, Applicant will be happy to submit a copy as a courtesy.

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to our Deposit Account No. 03-3975.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Michael A. Sanzo  
Attorney for Applicants  
Reg. No. 36,912

MAS:ct  
Enclosures